

## REMARKS

Favorable reconsideration and withdrawal of the objections and rejections in view of the foregoing amendments and the following remarks are respectfully requested.

### Claim Status

Claims 1 through 4 and 7 through 17 remain pending in the application, with Claims 1 and 10 being independent. Claims 1, 3, 4, 5, 7, and 8 are amended herein. Claims 10-17 are withdrawn from consideration. It is respectfully submitted that no new matter has been presented.

### Restriction Requirement

The restriction requirement, restricting Claims 10-17 out of the application is deemed proper and made final. In response, Applicants again respectfully request withdrawal of the restriction requirement for the reasons given in the May 13, 2005 response.

### Information Disclosure Statement

The October 1, 2004 Information Disclosure Statement has not been considered because a copy of Japanese Patent No. 2-803903 was allegedly not provided. In response, Applicants believe that they did provide a copy thereof, as evidenced by the attached stamped postcard receipt identifying seven (7) references, which corresponds to the number of Japanese patent documents cited in that Information Disclosure Statement.

Nevertheless, Applicants will shortly file another copy of this Japanese document with a Supplemental Information Disclosure Statement.

Title Objection

The Examiner objects to the title because it is allegedly not clearly indicative of the claimed invention. In response, while not conceding the propriety of the objection, the title has been amended to address the point raised by the Examiner. Applicants submit that the amended title is even more clearly indicative of the claimed invention.

Rejections

Claims 1 through 3 and 6 through 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Document No. 9-222839 and official notice that vibration welding by moving a welding arm back and forth around the welding area is old, well known and available in the art. Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the art applied to Claims 1 through 3 and further in view of U.S. Patent No. 4,228,633 (Corbic).

Initially, Applicants respectfully request that the rejection be withdrawn because the Office has not unquestionably demonstrated that the imparting of relative movement to an ultrasonic welding member relative to a toner container toward an unwelded portion is known in the art, in accordance with MPEP § 2144.03:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. (emphasis in the original)

Accordingly, if the Office maintains the rejection, Applicants respectfully request that the Examiner cite a reference showing this feature.

Nevertheless, while not conceding the propriety of the rejections, independent Claim 1 has been amended and Claim 6 has been canceled. Applicants submit that as amended, Claim 1 is allowable for the following additional reasons.

Amended Claim 1 relates to a manufacturing method for a toner container provided with an opening. The method comprises a filling step of filling the toner container with toner through an opening, a closing step of setting a cover member and closing the opening with the cover member, after the filling step, and a sealing step of sealing the opening after the closing step by ultrasonic welding of the cover member to the toner container by a welding member. The welding member is contacted to a part of a welding region between the cover member and the container to impart ultrasonic vibration. In addition, the cover member is welded to the toner container while imparting a relative movement of the welding member relative to the toner container toward an unwelded portion.

By this arrangement, the invention recited in amended Claim 1 solves a problem with the manufacturing of conventional toner containers. In conventional ultrasonic welding of a cover on a toner container, the welding head contacts the entire portion to be

welded and welding is performed with the welding head kept at such a welding portion. But, when toner exists beneath the portion to be welded, the heat of the welding causes the toner to form large masses, resulting in the production of image defects due to improper image development. The invention recited in amended Claim 1 solves this problem by causing the toner to move away from the welding portion, thereby preventing toner melting and the formation of large toner masses, and preventing image defects.

In contrast, Japanese Patent No. 9-222839 is not understood to disclose or suggest that a welding member is contacted to a part of a welding region between a cover member and a container to impart ultrasonic vibration, and that the cover member is welded to the toner container while imparting a relative movement of the welding member relative to the toner container toward an unwelded portion, as recited by amended Claim 1. Further, Applicants do not understand this patent to recognize the problem of large-toner-mass generation from conventional welding of toner containers or to recognize Applicants' solution. In addition, Applicants do not understand that well-known prior art recognizes this problem and proposes Applicants' solution, i.e., a welding member is contacted to a part of a welding region between a cover member and a container to impart ultrasonic vibration, and the cover member is welded to the toner container while imparting a relative movement of the welding member relative to the toner container toward an unwelded portion, as recited by amended Claim 1.

Since MPEP § 2142 requires the cited art to disclose or suggest all the claimed features to establish a *prima facie* case of obviousness, and since the cited art in this case is understood to fail to disclose or suggest at least one feature of amended Claim 1,

Applicants respectfully submit that the Office has not yet established a *prima facie* case of obviousness against amended Claim 1. Accordingly, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

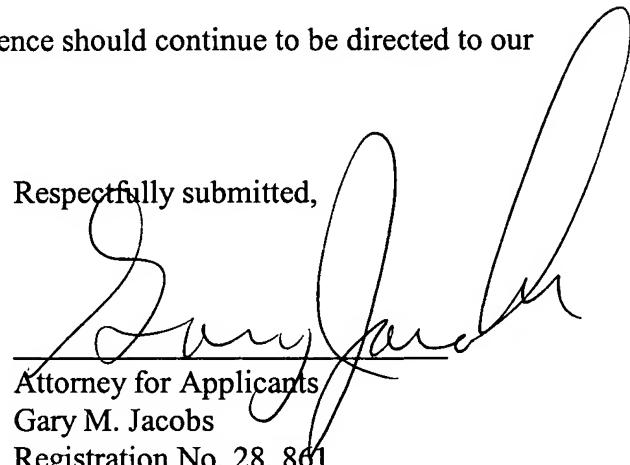
Claims 2 through 5 and 7 through 9 are either directly or individually dependent on Claim 1. It is respectfully submitted that the dependent claims are allowable by virtue of being dependent on an allowable independent claim and in their own right for further defining the invention.

#### Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all claims are allowable and that this application is in condition for allowance. Therefore, favorable reconsideration and early passage to issue of the present application are earnestly solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



\_\_\_\_\_  
Attorney for Applicants  
Gary M. Jacobs  
Registration No. 28, 861

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
GMJ:ayr

DC\_MAIN 217157v1